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12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION  
 16

17 IN RE: TFT-LCD (FLAT PANEL)  
18 ANTITRUST LITIGATION

Master File No. 3:07-md-1827-SI

MDL No. 1827

19 This Document Relates To:  
 20 ALL DIRECT-PURCHASER ACTIONS

**DEFENDANT MITSUI & CO.  
 (TAIWAN), LTD.'S NOTICE OF  
 CLASS ACTION SETTLEMENT  
 WITH THE DIRECT PURCHASER  
 CLASS PURSUANT TO 28 U.S.C. §  
 1715**

Judge: Hon. Susan Illston  
 Dept: Courtroom 10, 19th Fl.

1                   **NOTICE OF CLASS ACTION SETTLEMENT PURSUANT TO 28 U.S.C. § 1715**

2                   Defendant Mitsui & Co. (Taiwan), Ltd. (“Mitsui Taiwan”), by and through its  
3 undersigned counsel of record, hereby gives notice, in compliance with the Class Action Fairness  
4 Act of 2005 (“CAFA”), 28 U.S.C. § 1715, of a proposed class action settlement in the above-  
5 captioned action (the “Action”).

6                   On March 21, 2011, the Direct Purchaser Class Plaintiffs in *In re: TFT-LCD (Flat Panel)*  
7 *Antitrust Litigation*, Master File No. 3:07-md-1827-SI, currently pending in the United States  
8 District Court for the Northern District of California, filed with the Court a letter to the Honorable  
9 Judge Susan Illston notifying the Court that they had reached an agreement in principle with  
10 defendant Mitsui Taiwan for settlement of all claims alleged against Mitsui Taiwan in the Third  
11 Amended Complaint.

12                   On August 30, 2011, the Direct Purchaser Class Plaintiffs filed a Motion for Preliminary  
13 Approval of Class Action Settlements with defendants Chimei, Hannstar, Hitachi, LG Display,  
14 Mitsui Taiwan, Samsung, Sanyo and Sharp, along with a Memorandum of Points and Authorities  
15 in Support thereof (“Motion for Preliminary Approval”) (**Attachment 5**). Accompanying the  
16 Motion for Preliminary Approval were the supporting Declaration of Bruce L. Simon  
17 (**Attachment 6**) and the [Proposed] Order Granting Preliminary Approval of Direct Purchaser  
18 Class Settlement (**Attachment 7**). A copy of the TFT-LCD Direct Purchaser Class Settlement  
19 between the Direct Purchaser Class Plaintiffs and Mitsui Taiwan signed on August 10, 2011 (the  
20 “Proposed Settlement”) is included as **Exhibit F to Attachment 6**. Copies of all attachments  
21 referenced herein are contained on the enclosed CD.

22                   As required by CAFA, 28 U.S.C. § 1715, Mitsui Taiwan provides the following  
23 information concerning the Proposed Settlement:

24                   **A.     28 U.S.C. § 1715(b)(1): Complaints and Amended Complaints.**

25                   Pursuant to 28 U.S.C. § 1715(b)(1), a copy of each of the complaints in the Action (with  
26 the exception of the Third Amended Complaint) and all materials filed therewith are  
27 electronically available on the Court’s Pacer website found at <http://www.cand.uscourts.gov/>.  
28

Through the docket report for Case No. 3:07-md-01827-SI, the Consolidated Complaint can be found at Docket No. 366 (**Attachment 1**), the First Amended Consolidated Complaint at Docket No. 748 (**Attachment 2**), the Second Amended Consolidated Complaint at Docket No. 874 (**Attachment 3**), and the Third Amended Consolidated Complaint at Docket No. 1416 (filed under seal, Docket No. 1407) (**Attachment 4**).<sup>1</sup>

**B. 28 U.S.C. § 1715(b)(2): Notice of Hearings.**

A hearing to consider preliminary approval of the Proposed Settlement is scheduled for October 4, 2011, at 4:00 p.m. in the Courtroom of the Honorable Susan Illston, United States District Court Judge for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, California (**Attachment 5**).

**C. 28 U.S.C. § 1715(b)(3): Proposed Notifications to Class Members.**

**1. 28 U.S.C. § 1715(b)(3)(A): Notice to Class Members That No Right to Exclusion from the Direct Purchaser Plaintiff Class Action Any Longer Exists.**

A class notice plan was approved by the Court on October 6, 2010. (See Order Granting Preliminary Approval of Direct Purchaser Class Settlement with Defendants Epson Imaging Devices Corporation and Epson Electronics America, Inc. (Docket No. 2078) (**Attachment 8**)). The class notice consisted of a summary notice (**Exhibit B to Attachment 8**) and long form notice (**Exhibit A to Attachment 8**) informing class members how to exercise their rights to opt-out of this class action.

The Court appointed Rust Consulting as the claims administrator under the approved class notice plan. Rust Consulting sent the approved long form class notice to all members of the certified litigation classes who could be identified by reasonable effort within 30 days of the October 6, 2010 Order. Rust Consulting further published the approved summary notice in the

<sup>1</sup> The Third Amended Consolidated Complaint (Docket No. 1416) was designated "Confidential" by plaintiffs pursuant to the Court's December 7, 2007 Protective Order and filed under seal with the Court on December 2, 2009. Accordingly, Mitsui Taiwan is prohibited by the Court's Protective Order from providing copies of the Third Amended Consolidated Complaint to third parties. A copy of the Third Amended Consolidated Complaint is maintained in the case file in the Clerk's office.

national edition of *The Wall Street Journal* on November 5, 2010 (**Attachment 9**). Both the summary and long form class notices were also posted on the public website (<https://tftlcdclassaction.com>) maintained by Rust Consulting, a readily accessible website created for purposes of this litigation.

The time period to request exclusion from the litigation classes expired on January 4, 2011. On January 31, 2011, the Direct Purchaser Class Plaintiffs filed an Amended Direct Purchaser Class Plaintiffs' Notice of Class Member Exclusions (**Attachment 10**) which provided a list of persons and entities that requested exclusion from the litigation classes within the period set by the Court.

The period to request exclusion from the litigation classes has now expired. Accordingly, class members have no further legal right to opt-out of this class action.

## **2. 28 U.S.C. § 1715(b)(3)(B): Notice to Class Members Concerning this Proposed Settlement.**

Described in Section VI of the Motion for Preliminary Approval (**Attachment 5**) is the Proposed Plan of Notice submitted by the Direct Purchaser Class Plaintiffs for notifying the classes of the Proposed Settlement. Under this Plan, (1) a long form notice will be sent directly by mail or e-mail to each class member identified by reasonable effort; (2) a summary notice will be published in the national edition of *The Wall Street Journal*; and (3) both summary and long form notices will be published on the public website maintained by Rust Consulting, <https://tftlcdclassaction.com>.

The proposed long form notice and summary notice are attached as **Exhibits J and K to Attachment 6**.

## **D. 28 U.S.C. § 1715(b)(4): Proposed Settlement.**

A complete copy of the Class Settlement Agreement between the Direct Purchaser Class Plaintiffs and Mitsui Taiwan signed on August 10, 2011, is provided here as **Exhibit F to Attachment 6**.

**E. 28 U.S.C. § 1715(b)(5): Other Contemporaneous Agreements.**

No other agreements were contemporaneously made between counsel for Mitsui Taiwan and counsel for the Direct Purchaser Class Plaintiffs.

**F. 28 U.S.C. § 1715(b)(6): Final Judgment.**

At this time there has been no final judgment or notice of dismissal related to the Proposed Settlement.

**G. 28 U.S.C. § 1715(b)(7)(A) and (b)(7)(B): Class Member Names, States of Residence and Estimated Proportionate Shares.**

It is not feasible for Mitsui Taiwan to identify the names of class members who reside in each state and the estimated proportionate share of the claims of such members to the entire settlement. Nor is it feasible at this time to provide a reasonable estimate of the number of class members residing in each state and the estimated proportionate share of the claims of such members to the entire settlement. The certified litigation classes include all individuals and entities who, at any time during the period beginning January 1, 1999 and continuing through December 31, 2006, purchased TFT-LCD panels or televisions, computer monitors, or notebook computers containing TFT-LCD panels directly from any of the defendants or their subsidiaries, named affiliates, or named co-conspirators. As such, the certified litigation classes potentially include at least thousands of individuals and entities. Nevertheless, Mitsui Taiwan hereby provides a preliminary estimate of each state's potential class members' proportionate share of the proposed settlement based upon figures reported by the U.S. Census Bureau. For comparison purposes, the table below incorporates population data from both the 2000 and 2010 U.S. Census. See <http://www.census.gov>.

**Estimate of Each State's Potential Class Members' Proportionate Share of the Proposed Settlement Based on Population Figures Reported by the U.S. Census Bureau**

State/Territory	Estimated Proportionate Share Based on 2000 U.S. Census Data	Estimated Proportionate Share Based on 2010 U.S. Census Data
Alabama	1.53%	1.56%
Alaska	0.23%	0.22%
American Samoa	0.02%	0.02%
Arizona	2.04%	1.80%
Arkansas	0.93%	0.94%

State/Territory	Estimated Proportionate Share Based on 2000 U.S. Census Data	Estimated Proportionate Share Based on 2010 U.S. Census Data
California	11.91%	11.86%
Colorado	1.61%	1.51%
Connecticut	1.14%	1.19%
Delaware	0.29%	0.27%
District of Columbia	0.19%	0.20%
Florida	6.01%	5.60%
Georgia	3.10%	2.87%
Guam	0.05%	0.05%
Hawaii	0.43%	0.42%
Idaho	0.50%	0.45%
Illinois	4.10%	4.35%
Indiana	2.07%	2.13%
Iowa	0.97%	1.02%
Kansas	0.91%	0.94%
Kentucky	1.39%	1.42%
Louisiana	1.45%	1.56%
Maine	0.42%	0.45%
Maryland	1.85%	1.85%
Massachusetts	2.09%	2.22%
Michigan	3.16%	3.48%
Minnesota	1.70%	1.72%
Mississippi	0.95%	1.00%
Missouri	1.91%	1.96%
Montana	0.32%	0.32%
Nebraska	0.58%	0.60%
Nevada	0.86%	0.70%
New Hampshire	0.42%	0.43%
New Jersey	2.81%	2.95%
New Mexico	0.66%	0.64%
New York	6.19%	6.64%
North Carolina	3.05%	2.82%
North Dakota	0.21%	0.22%
Northern Mariana Islands	0.02%	0.02%
Ohio	3.69%	3.97%
Oklahoma	1.20%	1.21%
Oregon	1.22%	1.20%
Pennsylvania	4.06%	4.30%
Puerto Rico	1.19%	1.33%
Rhode Island	0.34%	0.37%
South Carolina	1.48%	1.40%
South Dakota	0.26%	0.26%
Tennessee	2.03%	1.99%
Texas	8.04%	7.30%
Utah	0.88%	0.78%
Vermont	0.20%	0.21%
Virgin Islands	0.03%	0.04%
Virginia	2.56%	2.48%
Washington	2.15%	2.06%
West Virginia	0.59%	0.63%

State/Territory	Estimated Proportionate Share Based on 2000 U.S. Census Data	Estimated Proportionate Share Based on 2010 U.S. Census Data
Wisconsin	1.82%	1.88%
Wyoming	0.18%	0.17%

**H. 28 U.S.C. § 1715(b)(8): Judicial Opinions.**

Submitted as **Attachment 8** is Judge Illston's written order, filed October 6, 2010, finding that the notice and form of dissemination of notice to the litigation classes and the Chungwha and Epson settlement classes constituted valid, due and sufficient notice, constituted the best notice available under the circumstances, and complied fully with the requirements of the Federal Rules of Civil Procedure.

Submitted as **Attachment 11** is Judge Illston's written order, dated September 27, 2010, resolving outstanding issues pertaining to notice to the certified direct purchaser classes.

There are no further written judicial opinions issued in this action relating to the materials described in subparts (3) through (6) of 28 U.S.C. §1715(b).

1 Dated: September 9, 2011

Respectfully submitted,

2 BAKER & HOSTETLER LLP

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22 Attorneys for Defendant  
23 Mitsui & Co. (Taiwan), Ltd.



**CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Baker Hostetler LLP, whose address is PNC Center, 1900 East Ninth Street, Suite 3200, Cleveland, Ohio 44114. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on September 9, 2011, I caused to be served a true and complete copy of:

**DEFENDANT MITSUI & CO. (TAIWAN), LTD.'S NOTICE OF CLASS ACTION  
SETTLEMENT WITH ALL DIRECT PURCHASER PLAINTIFFS PURSUANT  
TO 28 U.S.C. § 1715**

by the United States District Court's ECF, and by U.S. mail to the addresses stated on the attached service list in accordance with Rule 5(b) of the Federal Rules of Civil Procedure:

*[See attached U.S. Mail service list]*

I declare under penalty of perjury that the above is true and correct.

Executed at Cleveland, Ohio, this 9th day of September, 2011.

/s/ Michael E. Mumford

**U.S. MAIL SERVICE LIST**

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